

REMARKS

Claims 1-66 are pending in the application. Independent claims 1, 18, 19, 20, 49, 53, 58 and 61 have been amended. No new matter is presented.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-38, 49-51 and 53-66 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Jayaraman (U.S. Patent No. 5,755,781). Applicant respectfully traverses. The independent claims of the present application have been amended and are clearly distinguishable over the Jayaraman patent. Jayaraman does not disclose cylindrical rings, and it does not disclose cylindrical rings having a first longitudinal length and a second longitudinal length, where the first longitudinal length is shorter than the second longitudinal length. It is respectfully requested that the rejection under § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 39-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jayaraman. Applicant respectfully traverses. There is no disclosure or teaching in the Jayaraman patent that would suggest that if the structure of the stent disclosed were formed from a pseudoelastic metal alloy, that the structure would function as a stent. In other words, if the stent structure shown in the Jayaraman patent were formed from a pseudoelastic metal alloy, it may not function or open to form a cylindrical stent, and it may not hold open a vessel to function as a stent. Notwithstanding the foregoing arguments, the independent claims from which claims 39 and 40 depend have been amended to clearly distinguish over the Jayaraman reference. Specifically, the distal and proximal sections of the present invention have cylindrical rings having a first longitudinal length and a central section having a cylindrical ring having a second longitudinal length, where the first longitudinal length is shorter than the second longitudinal length. Thus, the dependent claims 39 and 40, which contain the limitations

as amended, are clearly distinguishable over the Jayaraman patent. It is respectfully requested that the rejection of claims 39 and 40 be withdrawn.

Further, claims 41-48 and 52 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jayaraman. Applicant respectfully traverses. As noted, dependent claims 41-48 and 52 depend from independent claims that have been amended as described. Thus, it is believed that dependent claims 41-48 and 52 are patentably distinguishable over the Jayaraman reference for the same reasons as the amended independent claims. It is respectfully requested that the rejection under § 103(a) be withdrawn.

Applicant has attempted to respond to each and every rejection set forth in the Office action. The undersigned can be reached at (310) 824-5555 to facilitate prosecution of the application. Reconsideration is requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:


John S. Nagy
Registration No. 30,664

JSN:jeb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
62226.1